



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Bianchi

Application No.: 10/681,668

Filed: October 8, 2003

For: FINKEEL FOR BOATS, WITH
MOVABLE LEE-BOARDS

To: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Examiner: Edwin L. Swinehart

) Group Art Unit: 3617

) Attorney Docket: 47966.3.0

) I hereby certify that this correspondence is being:

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) on this 10th day of March, 2005

) By Theresa Russek
Theresa Russek

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OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. Applicant hereby petitions for revival of this application.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

A response to the outstanding Office Action mailed 21 May 2004 is enclosed herewith.

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Since the utility patent was filed on or after June 8, 1995, no terminal disclaimer is required.

A check in the amount of 750.00 is enclosed for payment of the petition fee under 37 C.F.R. 1.17(m). The Commissioner is authorized to charge to Deposit Account No. 06-1910 for any underpayments, overpayments or additionally required fees.

Respectfully submitted,



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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

#3082434\1



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AMENDMENT

Sir:

In response to the Office Action mailed 21 May 2004, amendment to the above-identified patent application is requested.

Amendments to the Claims are reflected in the complete listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

In the Claims

Please amend the claims as follows:

1. (Currently Amended) Finkeel for boats, characterized in that it comprises a fixed portion with an end for connection to a hull and a moving portion comprising a pair of lee-boards arranged on the fixed portion, rotatable in a hinged manner on opposite sides with reference to a midplane of the fixed part, wherein the lee-boards are provided with respective ballast elements and are substantially symmetrical and adjacent to each other when aligned with the midplane of the hull.

2. (Original) Finkeel according to claim 1, wherein the lee-boards are rotatable independently of each other.

3. (Cancelled)

4. (Original) Finkeel according to claim 3, wherein the ballast elements are arranged at the ends of the respective lee-boards.

5. (Original) Finkeel according to claim 1, wherein the lee-boards are rotatable with respect to a same axis lying on a midplane of the fixed portion.

6. (Original) Finkeel according to claim 5, wherein the lee-boards are hinged on a shaft arranged along their axis of rotation by means of respective sleeves.

7. (Original) Finkeel according to claim 6, wherein at least one of said sleeves is rotationally integral with the shaft where the arms are arranged, said arms being operated by respective actuators.
8. (Original) Finkeel according to Claim 7, wherein at least one of said sleeves is idle with respect to the shaft and is provided with arms operated by respective actuators.
9. (Cancelled)
10. (Original) Finkeel according to claim 1, wherein the lee-boards have a matching form with elements interposing with each other, in the condition aligned with the midplane of the fixed part.
11. (Original) Finkeel according to claim 1, wherein the lee-boards are rotatable about respective parallel axes arranged on opposite sides with respect to the midplane of the fixed part.
12. (Original) Finkeel according to claim 1, wherein the lee-boards extend from the end of the fixed part, opposite to the connection end thereof.
13. (Original) Finkeel according to claim 2, wherein the axes of rotation of the lee-boards are arranged parallel to the longitudinal axis of the boat's hull.

REMARKS

Claims 1-13 are pending. By this Amendment, claims 3 and 9 are canceled. Upon entry of this Amendment, claims 1-2, 4-8 and 10-13 will be pending.

The Examiner rejected claims 1, 5, 9, 10 and 12 under §102(b) as being anticipated by Japan '884. Independent claim 1 has been amended to incorporate the limitations of dependant claim 3, which limitations are not present in Japan '884. Japan '884 does not disclose a finkeel wherein the lee-boards are provided with respective ballast elements.

The Examiner rejected claims 1-7 and 13 under §102(b) as being anticipated by Frankl et al. Independent claim 1 has been amended to incorporate the limitations of dependant claim 9, which limitations are not present in Frankl et al. The finkeels of Frankl et al. are not arranged symmetrically with respect to the mid plane of the boat but are instead aligned along the hull.

The Examiner rejected claims 1, 11 and 12 under §102(b) as being anticipated by German '107. Independent claim 1 has been amended to incorporate the limitations of dependant claim 3 and 9, which limitations are not present in German. The German finkeels do not include a ballast and are not arranged symmetrically with respect to the mid plane of the boat.

The Examiner rejected claim 8 under §103(a) as being unpatentable over Frankl et al. in view of Marcil. Claim 8 depends from amended independent claim 1 and is patentable for the same reasons as claim 1.

For the reasons above, Applicant requests the rejections to claim 1 and claims depending thereon to be withdrawn. In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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